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The Chicago Common Council

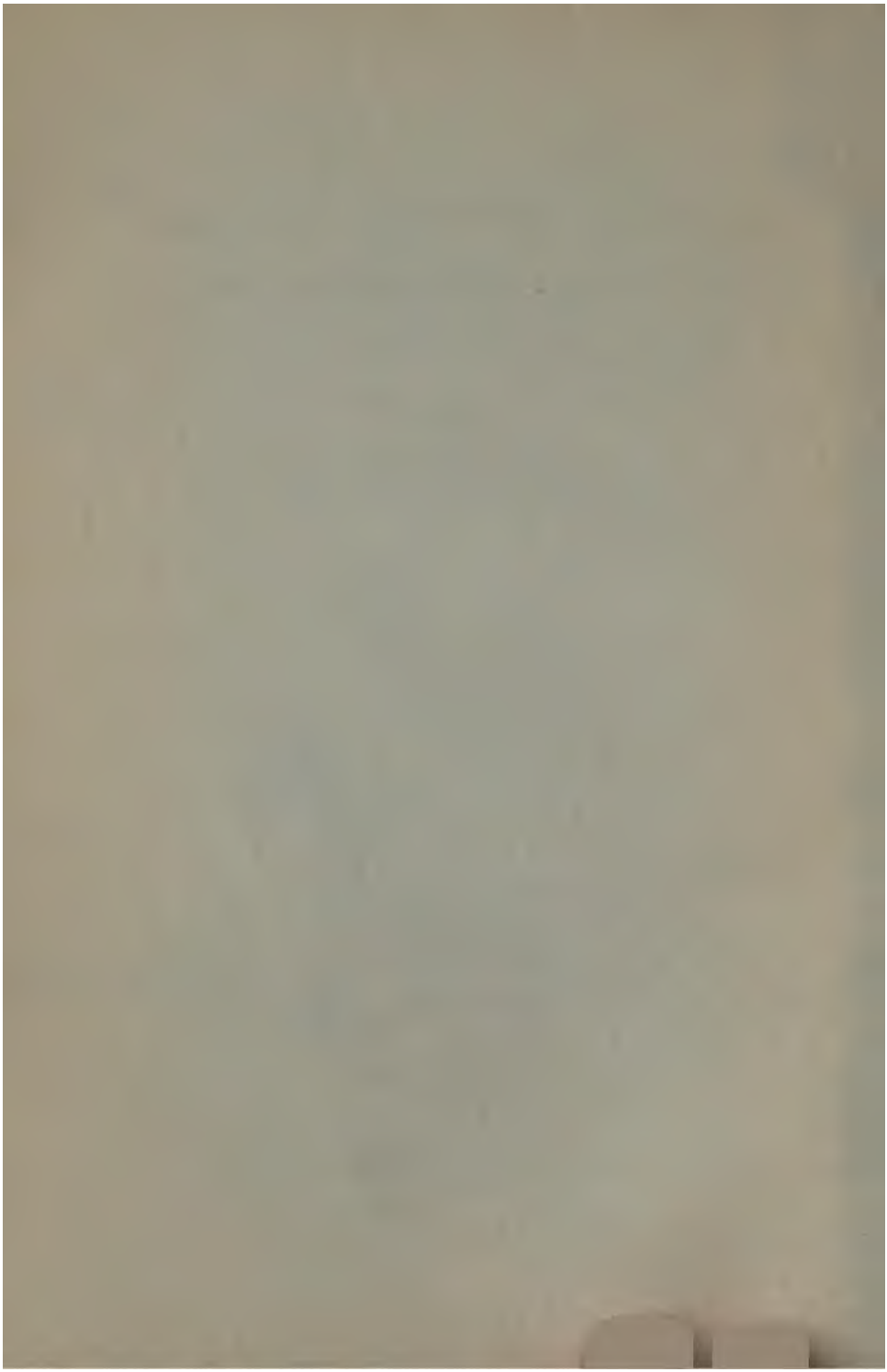
and the

Fugitive Slave Law

of 1850

BY

CHARLES W. MANN.



THE CHICAGO COMMON COUNCIL AND THE FUGITIVE SLAVE LAW OF 1850.

AN ADDRESS READ BEFORE

THE CHICAGO HISTORICAL SOCIETY

AT A SPECIAL MEETING HELD

JANUARY 29, 1903.

BY

CHARLES W. MANN.

THE CHICAGO COMMON COUNCIL AND THE FUGITIVE SLAVE LAW OF 1850.

On the first day of January, 1850, the Charleston, S. C. Mercury made the following statement in its editorial columns: "When the future historian shall address himself to the task of portraying the rise, progress, and decline of the American Union, the year 1850 will arrest his attention as presenting the first arraying of those hostile forces and opposing elements which resulted in disunion, and the world will have another illustration of the great truth that forms of government, however correct in theory, are only reliable as they conduce to the peace, quiet and conscious security of the governed."

It was the absence of this feeling of conscious security which led the South to repeated attempts to extend and to define more clearly the principles of the original compromises of the Constitution; which caused them to use questionable logic to maintain a position rapidly becoming untenable. It was the absence of this feeling which led them to demand not only that the North should support the laws protecting slavery, but that attacks upon the institution and its extension should cease.

Moreover, a great change had taken place through the internal development of the country. Increased facilities for transportation had led to the settlement of large areas of the West, and in these settlements new ideas prevailed, and from them a new party was to spring. The currents of national politics, long confined to well-known channels, were deflected into new courses.

The year 1850 was important also from the standpoint of party leadership. The death of Calhoun made the first vacancy in the great triumvirate. The measures of adjustment of 1850 were the last public acts shaped by Clay's hands, while the few remaining years of Webster's life were not given to active politics. The work of such men as Cass and Benton was practically completed, and Douglas

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stood at the parting of the ways. These were the greatest men who had learned from the fathers of the republic the lesson of forbearance, the spirit of compromise in which the Constitution was framed. A younger generation moved by a stronger sectional feeling and more keenly alive to the evils or necessities of the "peculiar institution" of the South, became party leaders, and that disunion which Clay boasted to have deferred for thirty years by the Missouri Compromise, and which he hoped to defer as long by the Compromise of 1850, was to become a fact within eleven years.

The Constitution was essentially a compact and a series of compromises. Individualism in the States threatened to undo the work of the revolution. The necessity for fellowship and goodwill among the States, the standing of the new republic among the nations of the world, the government of the western territories and questions of trade, made union imperative, and that union only was possible which respected the peculiar institutions, customs and prejudices of the several States.

The men who framed the Constitution were neither unmindful of the dangers of slavery nor blind to its iniquity.

"The real difference of interests," said Madison, "lies not between the large and small States, but between the Northern and Southern States. The institution of slavery and its consequences form the line of discrimination."[1]

It was the opinion of Gouverneur Morris that slavery was a nefarious institution, a curse of Heaven. He could not agree to give the same representation to a citizen of Georgia or South Carolina that was given to a citizen of New Jersey or Pennsylvania, who viewed with laudable horror so nefarious a traffic as the slave trade.[2]

Others who were opposed to slavery, both in principle and practice, favored the compromise which would admit the slave-holding States, provided the slave trade were restricted or abolished after a term of years.[3]

The members of the convention from the South had no doubts as to the justice or wisdom of their views. Religion and humanity had nothing to do with the question; interest alone was the governing principle of States. The

1 Madison, Notes of Federal Convention, July 14.
2 Madison's Notes, August 8.
3 Madison's Notes, August 25.

votes of South Carolina could not be cast for the Constitution unless emancipation of slaves and taxation of exports were prohibited.[1]

The adoption of the Constitution established slavery upon the following bases:

1. The slave trade was not to be abolished before 1808.

2. Slavery, where it existed, was not to be molested, and property in slaves was recognized in determining representation.

3. Persons held to service in one State and escaping therefrom were to be given up.

4. By the confirmation of the Ordinance of 1787, Congress may be said to have established a precedent for the later exclusion of slavery from the territories.

The subsequent history of slavery from these four standpoints may be considered briefly. The slave trade was abolished by law in accordance with the constitutional provision and, to the opening of the civil war, political parties in the North were opposed, in general, to any interference with slavery in the States. The chief objects for consideration are, therefore, slavery in the Territories and the fugitive slave laws.

The South developed rapidly, but upon a less permanent foundation than the North. Emancipation practically ceased, and the interstate slave trade, constantly increased by the demands from the far South, became a source of income to the border slave States. States were admitted alternately as free and slave, thus preserving the balance of power in the Senate. The question of slavery in the Louisiana Purchase was settled temporarily by the Missouri Compromise. Notwithstanding the addition to slave territory made by this measure, the South sought further extension. Cuba and parts of Central America were regarded as possibilities. The admission of Texas added greatly to the territorial strength of slavery.

In August, 1847, when the question of appropriations to meet the conditions of the Mexican treaty were being discussed, David Wilmot proposed an amendment to the bill to the effect that slavery should be prohibited forever in all territory thus obtained. This amendment was unnecessary, and in the state of public feeling at that time, was

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1 Madison's Notes, August 24.

unwise. The South regarded it as a direct attack upon slavery as an institution; as an effort to prevent the slave-holding States from acquiring their just proportion of the new territory, and as a possible step toward emancipation. Benton says of it: "Under the laws of Mexico slavery was prohibited in Mexico and California. A change of laws would be necessary to introduce it. The proviso could serve no purpose, save to bring on a slavery agitation, for which purpose it was seized upon by Mr. Calhoun and his friends, and treated as the greatest possible outrage and injury to the slave States. The South could take no steps to make it slave territory, since they had just invented the dogma, 'No power in Congress to legislate upon slavery in the territories.' Never were two parties so completely at loggerheads about nothing. Since 1835 the slavery agitation had been a game played by the abolitionists on the one side and the disunionists on the other, to accomplish their own purposes. Mr. Calhoun hugged the proviso to his heart as a means of forcing the issue between North and South, and deprecated any adjustment, compromise or defeat of it as a misfortune to the South. The dogma of 'No right in Congress to legislate upon slavery in the territories led to the abrogation of the Missouri Compromise. To enforce this doctrine in the territory in question it was necessary to support it by another, 'The transmigration of the Constitution with all its guarantees and powers, over-riding all the anti-slavery laws which it found there.'[1] We need not consider these doctrines further for our purpose. They found a place in the Compromise of 1850; were admitted by Cass in the Nicholson letter, and were amplified by Douglas in the Kansas-Nebraska bill. The North, which might have been passive upon the question of slavery in the States, was active to the last degree upon its introduction or protection in the Territories.

The first fugitive slave law was enacted under circumstances peculiarly prophetic. A free negro was abducted from Washington County, Pennsylvania, in 1788, and sold into slavery in Virginia. Indictments were returned against the kidnappers in November of the same year, when it was found that two of the three had escaped, presumably to Kentucky. The abolition society of Pennsylvania in 1791 addressed a memorial to the Governor,

1 Benton, Thirty Years View p. 695.

General Mifflin, urging that action be taken for the return of the criminals and their victim. A demand was made upon Virginia through her Governor, Beverly Randolph, for the return of the fugitives; but this demand was refused upon the opinion of James Innis, Attorney General of Virginia, who held that the crime was not treason or felony, and that the words "other crimes" of the Constitution applied only to those over which the State making the demand had exclusive jurisdiction. Moreover, the Constitution did not prescribe the manner of delivery, and every freeman in Virginia was held to be entitled to the unmolested enjoyment of his liberty unless it was taken away by the laws of the United States or those of Virginia.

The Attorney General of the United States, Edmund Randolph, held that an indictment by a grand jury was a competent charge; that the delivery must come from Virginia, but that the Governor of Pennsylvania had offered no definite proof that the act committed was a crime against the laws of Pennsylvania. Definite proof was lacking that the accused had escaped from Pennsylvania and had been found in Virginia. "Without such proof the executive of Virginia ought not to have delivered the fugitives; with it they might not refuse."[1] All of the papers in the case were transmitted to the President and by him placed before Congress. The Act of Congress approved February 12, 1793, was the result.

The first two sections of the act apply to fugitives from justice. The third section provides for the return of fugitives from labor upon the appearance of the claimant to such service before any judge of the circuit or district court, or before any magistrate of a county, city, or town corporate wherein the seizure was made. Upon proof, either oral or by affidavit, to the satisfaction of the magistrate, of the claimant's right to such service and of the identity of the fugitive, a certificate was issued for his removal to the State from which he fled.

The fourth section provided penalties in cases of obstruction of arrest, rescue, or concealment of the fugitive. This penalty was to be obtained by action for debt and did not waive the right of further action for damages.[2]

The execution of the law was irregular and subject to

1 American State Papers. Miscellaneous I, 28 et seq.
2 Annals of Congress, III, 1414.

local sentiment. In many cases means were found to liberate fugitives from arrest or to stay proceedings. The Constitutional compact was obscured by the natural right of the fugitives, and Northern sympathy was always passively and often actively enlisted against the slave holder and in favor of the slave. During the first quarter century of the republic the increase of the interstate slave trade led to the frequent kidnaping of freemen from the Northern States, while the number of fugitives was increased by the dread of plantation life in the far South.

In 1818 Mr. Pindall, of Virginia, introduced a bill to provide more effectually for the return of fugitive slaves.[1] The act was amended, chiefly to secure the rights of freemen of color, by providing heavy penalties for the transportation of alleged fugitive slaves before the question of slavery was decided by a competent court. One amendment, negatived by a large majority, proposed to make the judges of the State in which the fugitive was seized the tribunal to decide the fact of slavery.[2] The arguments for and against the bill were much the same as those urged in the debates on the Act of 1850. The bill passed the Senate with some amendments, but was tabled in the House of Representatives.[3]

The next serious blow to the Act of 1793 was the decision of the Supreme Court in the case of Prigg vs. Pennsylvania.[4] In 1832 one Margaret Morgan, a slave, escaped from Maryland to Pennsylvania. In 1837 Edward Prigg, the legally constituted attorney for the owner, made oath before a Justice of the Peace of York County, Pennsylvania, of the facts of the slavery and escape of the said Margaret Morgan. In accordance with this oath a warrant was issued for the arrest of the fugitive. The arrest was made in proper form, but the justice to whom the case came refused to take further cognizance of the case, a refusal based upon a law of Pennsylvania passed March 25, 1826, whereupon Edward Prigg, in violation of that law, removed Margaret Morgan and her children, one of whom had been born in Pennsylvania, more than a year after the escape of the mother, to the State of Maryland and delivered them to the owner. The decision, delivered by

1 Annals of Congress, XXXII 513.
2 Annals of Congress. XXXII 829.
3 Annals of Congress, XXXII 1393.
4 U. S. Reports 16 Peters 536, et seq.

Justice Story, maintained that the law of Pennsylvania was unconstitutional, because it purported to punish as a public offense against that State, the act of seizing and removing a slave, which act the Constitution of the United States was designed to justify and uphold. This decision stated further that the right of a citizen of a slave-holding State to the recovery of his fugitive slave was a fundamental right granted by the Constitution. The purpose of the law was to guard this species of property against the doctrines prevailing in the non-slave-holding States, and to prevent intermeddling, obstruction, or abolition of the rights of slave owners. The Act of Feb. 12, 1793, was clearly constitutional in all of its provisions, and, with the exception of that part which conferred authority on State magistrates, was free from reasonable doubt or difficulty. The court entertained no difference of opinion upon the powers of State magistrates under the law. State magistrates might, if they chose, exercise the authority, unless prohibited by the State Legislatures. But the clause relating to fugitive slaves was found in the National Constitution and not in that of any State, and to insist that States were bound to provide means to carry into effect the duties of the National Government nowhere delegated to them, might well be deemed an unconstitutional exercise of the power of interpretation. The National Government is bound through its own proper departments to carry into effect the rights and duties imposed upon it by the Constitution. The constitutional legislation of Congress supersedes that of the States upon the same subject.

In short, this decision placed the execution of the Act of 1793 in the hands of the general government and thereby left unimpaired the action of several States prohibiting State officers from executing it. Thus the legal machinery became inadequate for the execution of the law, and with the increasing feeling at the North, the complaints of the South became constant.

This question seemed to Webster to be the only real complaint of the South.[1] He saw in the attitude of many of the Northern States a distinct determination to deprive the slave States of the rights guaranteed them by the Constitution. Deeming it to be the duty of every good citizen to obey the Constitution in all of its provisions, he advocated

1 Webster 7th March Speech.

the fugitive slave law, while personally preferring a form which would safeguard more effectually the rights of the fugitive.

The Southern members of Congress did not expect much from the new law. Mason, who introduced the bill, said: "I fear that, pass what laws we may, such laws will be found inoperative; for no law can be carried into effect unless it is sustained and supported by the loyalty of the people to whom it is addressed. It will be just impossible to recover a fugitive slave from Ohio or Pennsylvania as it would be to bring him from the depths of the sea."[1]

North and South were looking at the question from opposite and irreconciliable standpoints. The North believed that the issuing of a writ by the commissioner condemned the negro, fugitive or freeman, to bondage. They had no confidence in the Southern laws protecting the free black. The South, on the other hand, saw in the attitude of the North the beginning of a determination to abolish the institution of slavery.

The law of 1850 was unnecessarily harsh. It assumed that the majority of the officials of the North and the people in general would not only make no effort to carry out the constitutional compact, but would resist such efforts by force. Several milder bills were proposed in the Senate, among them one by Webster, which allowed a jury trial to the fugitive, providing that he denied on oath the right of the claimant to his services. This bill required the claimant to establish his claim, the identity of the fugitive, and the legal existence of slavery in the State from which the fugitive escaped.[2]

Senator Pratt, of Maryland, introduced amendments similar in effect to the bill as finally passed, except in their further provision that if the fugitive were not delivered, the claimant might bring suit against the district attorney of the district in which he resided for the value of the slave and costs. This amount was to be determined by a jury, and the judgment was to be paid by the Treasurer of the United States. Should the fugitive be returned at any future time, the claimant became liable to the United States for the value of the slave at the time of his return.[3]

The most remarkable provision of all, the one least

1 Congressional Globe, XXI Part I, 233.
2 Congressional Globe, XXI Part II, 1111.
3 Congressional Globe, XXII Part II 1616.

likely to be successful, and yet most deserving of success, since it gave the fugitive slave all possible safeguards against injustice, was the bill of Senator Seward. It provided for trial by jury in the State in which the fugitive was arrested. Judges were to grant bail and necessary continuances. The claimant was required to give bonds to satisfy reasonable claims for damages, and the judgment might be taken to the District Courts for revision. Judges and marshals were under heavy penalties to allow and serve writs. The bill embodied Seward's idea that the fugitive law to be effective must be as lenient as possible. The bill attracted little attention at the North, but it was regarded by the South as a studied insult.[1]

Debate upon the final bill in the Senate was moderate and dignified. In the House local sentiment was expressed more freely.

Brown, of Mississippi, said: "You think slavery a great curse. Very well, think so; but keep your thoughts to yourselves. If it be an evil, it is our evil; if it be a curse, it is our curse. We are not seeking to force it upon you. We intend to keep it ourselves. If you do not want to come in contact with it, stay where you are. It will never pursue you. For myself, I regard slavery as a great moral, social, political and religious blessing—a blessing to the slave and a blessing to the master. This is my opinion. I do not seek to propagate it."[2]

The sentiment of the Northwest was expressed by George W. Julian, of Indiana: "Nature is always agitating the question of slavery and persuading its victims to flee. You hold three millions of your fellow beings as chattels. You deny them that principle of eternal justice—a fair day's wages for a fair day's work. The free States will observe faithfully the compromises of the Constitution. They will give up their soil as a hunting ground for the slave holders. But they will not actively co-operate against the unhappy victims of their tyranny. And if Southern gentlemen mean to insist upon such active co-operation on our part as a condition of their continuing in the Union, they may as well, in my opinion, begin to look about them for some way of getting out of it on the best terms they can."[3]

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1 Congressional Globe, XXI Part 1, 236.

2 Congressional Globe, XXI Part I, 258.

3 Congressional Globe, XXII Part I, 573 et seq.

The progress of the debates upon the fugitive slave law in the Senate and the House was watched with most intense interest by North and South alike. President Fillmore was not certain of the constitutionality of the law, and referred it to Crittenden, the Attorney General. His opinion was that the law was constitutional in every particular, that it did not suspend, and was not intended to suspend the writ of *habeas corpus;* that the power of Congress over fugitives was absolute.

The bill was signed by the President, September 18. Then the storm that had been gathering over the North broke with violence. Political conventions, abolition meetings, ministers' conferences, secret societies, began to pour forth a deluge of resolutions and petitions protesting against the law.

The Milwaukee Free Democrat of October 2 said: "For ourselves, we give all due notice that we shall trample this law under foot at the first opportunity. Our house and our purse shall always be open to the fugitive slave. The State is welcome to our body and our money, but our conscience is not in keeping of Congress or State Legislatures. This slave-catching law—we will say it—is not only unconstitutional, but diabolical and damnable. It is an outrage upon human nature and an insult to heaven. We are under no more obligation to obey such a law than we would be to obey a law requiring us to commit theft, burglary or highway robbery. This law can never be enforced until humanity and love of liberty die out of the hearts of the people and respect for the authority of God is obliterated from the souls of men."

The McHenry County Whig convention passed a series of resolutions affirming their opposition to the system of slavery; to its extension to the territories; to the acquisition of territory for more slave States, and urging its abolition in all territories controlled by Congress.

"There is no better way to use up a man," said the Buffalo Republic, "than to appoint him a commissioner for the recapture of fugitive slaves under the fugitive slave law. If he is not doomed to eternal infamy, we cannot predict consequences from causes."

Allan Pinkerton offered the following characteristic resolution in the convention at West City, October 24, of the Free Democracy of the Fourth Congressional District:

"*Resolved*, That the Constitution of the United States is emphatically an anti-slavery document, and that with a fair and just construction of it there legally is not, nor can be, a slave in any of the States and Territories of the United States."

Criticism of the bill was not confined to the North. The Southern States realized that the Northern objection to this or any other bill of similar import rested upon a moral sentiment violated under protection of the law, and a natural right taken away from motives of respect to the compromises of the Constitution.

A Southern rights meeting was held at Mobile, Alabama, October 8. Among the acts of the meeting were the following resolutions:

"*Resolved*, That the Act for the recovery of fugitive slaves passed by Congress immediately after the adoption of the Constitution was sufficiently effective as long as public sentiment at the North remained true to constitutional obligations. The South can see nothing in the passage of the late bill which will operate favorably on that public sentiment."

The St. Louis Union was opposed to the compromise measures as a whole, and in referring to them said: "The fugitive slave act is equally objectionable. We admit to the fullest extent the right of recovery, and we desire all the guarantees of the Constitution fulfilled to the letter. But there are features in this bill which, it seems to us, go entirely too far against innocent persons."

The sentiment against slavery as an institution was strong in Chicago. The opportunities for assisting the escape of fugitives under the law of 1793 were used frequently, and the passage of the new bill was made the occasion of further agitation, not only against the bill, but against the domination of the Slave State party in Congress, and in general against any measure which seemed likely to strengthen the institution of slavery or prolong its life.

"We have," said the Western Citizen "the same work before us that we marked out in 1848. Slavery is to be excluded from the Territories by law, it is to be abolished in the District of Columbia, the fugitive law is to be repealed, and the influence of the slave party as such is to be abolished."[1]

1 Western Citizen, Oct. 14, 1850.

"The Long Congress which, unlike the Long Parliament, had no Cromwell to dissolve it, closed its session and its labors on the 30th. It has been turbulent and discordant, and has accomplished but little substantial good for the country. The measures of adjustment, so-called, are mostly measures of sacrifice without insuring the result so sanguinely predicted of bringing peace and quiet to the country. Southern bigots and Northern fanatics have been rather dispelled than brought together by the action of Congress, which only proves how useless it is to legislate for either side exclusively."[1]

The colored people of Chicago, numbering about five hundred, held a meeting in the African Methodist Episcopal Church, on Wells street, to decide upon a course of resistance to the law. The Journal says that there were over three hundred at this meeting, which was characterized by a degree of prudence and deliberation no less remarkable than commendable. A committee on resolutions reported the existence of a strong, deep feeling to resist to the last every attempt to bear back to bondage any one of their number, and a determination to defend each other at the risk of imprisonment, fine, limb, or life itself. Forced to abandon hope of protection by the Government, not daring to trust to the protection of the public, nothing was left but self-protection. No violence would be used except in the last resort, when they would defend themselves at all hazards. They believed that the tendency of the fugitive slave bill was to enslave every colored man in the United States, because no provisions were made in the bill to guard against false claims, inasmuch as the slave holder's claim was to be considered as *prima facie* evidence of its validity. They considered the passage of the act as another glaring instance of Northern subserviency to slaveholding dictation.[2]

Finally, the Liberty Association was formed for the dissemination of the principles of human freedom, and all colored freedmen were urged to unite upon this subject at the same time.

A colored police system was organized in seven divisions, with six persons in each division to "patrol the city each night and keep an eye out for interlopers." This

1 Chicago Journal, Oct. 29.
2 Chicago Journal, Sept. 30.

system was to be maintained as long as might be necessary for the safety of the colored people.[1]

Two incidents happening early in October were interpreted to mean renewed activity for the capture and return of fugitive slaves. On the 14th of October, when it was rumored that two men from the South were in town in search of escaped slaves, the members of the association just referred to sent information of that fact to all the negro residents, and conducted a thorough investigation, which established the falsity of the report.[2]

The second incident is mentioned by the Western Citizen:

"On Tuesday last, October 15, Mr. Uriah Hinch, of Missouri, appeared in the city in pursuit of several fugitives. Being himself a volunteer, and not personally acquainted with the persons he sought, he brought with him, as an assistant, a trusty slave to aid him in the arrest and identification. He displayed his handbills describing the three colored persons, and sought for them openly. As soon as this was known he was waited on by some of our respectable citizens, and kindly informed that he was employed in an enterprise full of personal risk. In the meantime, the colored assistant found an opportunity to board a steamer in the harbor and to sail away to the Queen's dominion. Mr. Hinch heard of this fact, and also received an intimation that a coat of tar and feathers was preparing for him. In alarm he applied to Justice Lowe for protection, but was told that nothing could be done. An anti-slavery lawyer recommended immediate flight as the safest course."[3] This completed the defeat of Mr. Uriah Hinch, who left Chicago never to return. The Citizen says further: "It is proper to add that our colored population are ready for any emergency. While they do not propose to use violence unless driven to it, they will not suffer the new law to be executed upon their persons. In resisting this even to death, they will be sustained by the omnipotent sentiment of the citizens of Chicago." The press of Chicago united in condemning the new law, differing only in the measure of their condemnation; but it remained for the Common Council to give the first official expression of

1 Chicago Journal, Sept. 30.
2 Chicago Journal, Oct. 14.
3 Western Citizen, Oct. 22nd.

public disapproval and revolt. The Mayor of Chicago was James Curtiss. The Alderman were:

First Ward—Peter Page, Eli B. Williams.
Second Ward—Isaac L. Milliken, Alexander Loyd.
Third Ward—Smith J. Sherwood, Wm. H. Adams.
Fourth Ward—Robert H. Foss, A. G. Throop.
Fifth Ward—John C. Haines, A. S. Sherman.
Sixth Ward—Daniel Richards.
Seventh Ward—Elihu Granger, George Brady.
Eighth Ward—George F. Foster, John C. Dodge.
Ninth Ward—R. J. Hamilton, F. C. Hageman.

At a Council meeting Monday night, October 21, the following resolutions were introduced by Alderman Throop:

1. "*Whereas*, The Constitution of the United States provides that the privileges of *habeas corpus* shall not be suspended unless when in cases of rebellion or invasion, the public safety may require it, and

"*Whereas*, The late act of Congress purporting to be for the recovery of fugitive slaves virtually suspends the right of *habeas corpus* and abolishes trial by jury, and by its provisions not only fugitive slaves, but white men, owing to service to another in another State, viz: the apprentice, the mechanic, the farmer, the laborer, engaged to contract or otherwise, whose terms of service are unexpired, may be captured and carried off summarily and without legal recourse of any kind, and

"*Whereas*, No law can be legally or morally binding on us which violates the provisions of the Constitution, and

"*Whereas*, Above all, in the responsibilities and duties of human life, and the practice and propagation of Christianity, the laws of God should be held paramount to all human compacts and statutes, therefore

"*Resolved*, That the Senators and Representatives in Congress from the free States who aided and assisted in the passage of this infamous law, and those who basely sneaked away from their seats and thereby evaded the question, richly merit the reproach of all lovers of freedom, and are only to be ranked with the traitors Benedict Arnold and Judas Iscariot, who betrayed his Lord and master for thirty pieces of silver, and

"*Resolved*, That the citizens, officers and police of this city be and they are hereby requested to abstain from any and all interference in the capture and delivering up of the

fugitives of unrighteous oppression of whatever nation, name or color.

To these the following resolution was added upon the motion of Alderman Sherwood:

"*Resolved*, That the fugitive slave law lately passed by congress is a cruel and unjust law and ought not to be respected by an intelligent community, and that the council will not require the police to render any assistance for the arrest of fugitive slaves."[1]

These resolutions were adopted by a vote of nine to two. Thus the question was placed before the public for discussion, and the response came quickly.

The Tuesday Democrat makes the following announcement: "Arrangements have been made for a mass meeting at the City Hall this evening to give an expression of public feeling in opposition to the abominable and infamous fugitive slave law. We have no doubt our citizens will turn out *en masse* upon this occasion."

The announcement in the Western Citizen reads as follows: "The citizens of Chicago will meet this evening to take into consideration the new fugitive slave law and make such an expression in relation to its character and their duty relating thereto as the occasion demands. All come."

At an early hour on Tuesday evening the City Hall was filled to its utmost capacity.

Thomas Richmond acted as temporary chairman. Officers of the meeting and a committee of nine on resolutions were appointed as follows:

Thomas Richmond, president; Alexander Loyd, Luther Marsh, Dr. Eriel McArthur, Eri B. Hurlbut, Richard K. Swift, and James M. Morrison, vice presidents; A. G. Throop, Carlos Haven, Mr. McArthur, secretaries. The committee was composed of George Manierre, Robert H. Foss, Charles Walker, Nathan H. Bolles, N. Norton, Geo. A. Ingalls, L. C. Paine Freer, Dr. B. McVicker and Isaac N. Arnold. Dr. McVicker addressed the meeting while the committee was preparing the report. He condemned the law as nefarious and declared his purpose to yield no aid in carrying it out. He recommended that the colored people refrain from all acts of violence, keep quietly at their work, but be ready for any emergency. George

1 Chicago Democrat, Oct. 22nd.

Manierre, the chairman of the committee, presented the following resolutions:

"*Resolved*, That the fugitive slave law is unconstitutional and void; first, because Congress has no power under the constitution to legislate on the subject; that the clause under which the power is claimed contains no grant of the power of legislation and is simply a prohibition on the states whereby they are forbidden to discharge fugitives from labor by any law or regulation by them enacted; and secondly, because it is in express violation of fundamental rights of trial by jury, suspends the writ of *habeas corpus* and abolishes the right of appeal from the decision of an inferior court; and that in this attempt on the part of Congress to deface and obliterate the great landmarks between despotism and popular liberty—absolutism and democracy—we have proof strong as Holy Writ of the maxim that eternal vigilance is the price of liberty.

"*Resolved*, That we recognize no obligation of a moral or legal value resting on us as citizens to assist or countenance the execution of this law; that void laws everywhere must be considered by good citizens as divested of all legal, and especially of all moral force, and that we do and ever will trample this underfoot as an unconstitutional and flagitious attempt to impose infamous duties on conscientious citizens and compel them to do the devil's work under the guise of constitutional obligation.

"*Resolved*, That this enactment should not only cover with reproach its authors and advocates, but those also who connived at its passage, concealing themselves on a final vote to escape the indignation of a constituency whose dignity and independence they have sacrificed, and whose character they have blackened and disgraced.

"*Resolved*, That we are summoned to withstand the execution of this law not only by the consideration of the claims of our suffering fellowmen upon our sympathies and aid, but by a proper regard for our own personal liberties; as this law is no respecter of persons or complexions, making no distinctions between whites and blacks, bond or free.

"*Resolved*, That we, as the friends of universal liberty, are admonished of the necessity of repeated and continuous agitation on the great subject of human slavery while a free speech and a free press are yet ours. Let the country be rocked as by a tempest until the political Pharaohs of this great land shall be constrained to let the people go.

"*Resolved*, That the portion of our citizens who have escaped from bondage by their own act, become free men; that all laws seeking to hold them in chains or renew their captivity are founded in force and in contempt of natural rights, and are not binding upon them, because they are not party to them, and that by the laws of nature and that higher law enthroned above the Constitution, the law of God, they would be justified in using all means which may be necessary to their personal security on free soil—that resistance to tyrants in obedience to God."

The reading of these resolutions was interrupted by frequent cheers, and at the close an outburst of enthusiasm showed the sympathy and satisfaction of the audience, —with perhaps a single exception. Senator Douglas reached Chicago on Saturday evening, October 19. He was present at this meeting Tuesday evening, but came late, and it seems was not noticed until after the reading of the resolutions. Then there were loud and repeated calls for him. In reply he said that he had not intended to make any speeches while in Chicago, but that he could not pass over the personal charges made in the Council resolutions on Monday evening, and invited all interested to attend a meeting at the City Hall Wednesday, October 23, when he would explain the nature of the law and his reasons for voting in favor of it.

James H. Collins was called to the platform amid cheers that prevented him from speaking for several minutes. His first words were:

"Honor, eternal honor, to the Chicago Common Council. Damnation eternal, to those who voted for or dodged the vote on the infamous slave bill. The men who voted for the bill are bad; the men who sneaked away to avoid the responsibility of representing their constituents are both bad and base. He affirmed that the law suspended the writ of *habeas corpus* and trial by jury, and was especially infamous as it required every freeman to track the fugitives. Mr. Collins closed by defying the law and trampling a copy of it under his feet, to the delight and admiring cheers of his hearers.

Dr. Charles Volney Dyer, station-master, section-boss, and general superintendent of the underground railroad in Chicago, was the next speaker. He saw much stronger resolutions in the faces of his fellow citizens before him, than those passed by the meeting. As for the conscientious

constitutional scruples of Senators and Congressmen, they could be removed as easily as a doctor removes scruples from one paper to another by a few significant hints from the people. Mr. Manierre discussed the legal questions involved, and Mr. J. Young Scammon counselled against hasty action. For himself, he would not willingly be a party to the execution of the law, yet he was convinced that it was unconstitutional. He thought it only fair that Senator Douglas be allowed to state his side of the case. Amid much confusion and excitement the meeting adjourned to Friday, October 25.[1]

The City Hall was crowded to its doors Wednesday evening, October 23, upon the occasion of Senator Douglas' speech in defense of the fugitive slave bill. Douglas' popularity was at its height. He had succeeded in passing the Illinois Central Railroad bill, from which much was hoped and more to be realized. Douglas was elected to the Senate at the age of thirty-three, and was now thirty-seven years old. Ampere believed that he was the coming Western statesman. The genius and ability of Douglas expanded under opposition. He gloried in a fight; and of all his triumphs it seems to me that none is greater than that of Wednesday, October 23, 1850. There was not the slightest evidence of weakness or of yielding in his speech. His logic, good-humor, sarcasm, and powers of persuasion never appeared stronger than at this time. He spoke for three hours and a half, and apparently convinced his audience, for they passed without a dissenting vote a series of resolutions drawn up by his own hand. Time will not permit more than a summary of the points of his argument. "Congress, after a protracted session of nearly two months, succeeded in passing a system of measures, which are believed to be just to all parts of the republic, and ought to be satisfactory to the people. But the people in both sections of the Union are called upon to resist the laws of the land and the authority of the Federal Government even unto death and disunion." Referring to the resolutions of the Council, Senator Douglas said: "I make no criticism upon the language in which they are expressed: that is a matter of taste, and in everything of that kind I defer to the superior refinement of our City Fathers. But it

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1 { Chicago Democrat, Oct. 22 to Oct. 30.
Chicago Journal, Oct. 22 to Oct. 30.
Western Citizen, Oct. 22 and 29.

cannot be disguised that the polite epithets of 'traitors Benedict Arnold and Judas Iscariot, who betrayed his Lord and master for thirty pieces of silver' will be understood abroad as having direct personal application to my esteemed colleague, General Shields, and myself. The personal bearing of the resolutions is unimportant. It is a far more important and serious matter when viewed with reference to the principles involved and the consequences which may result. The Common Council of Chicago have assumed to themselves the right and have actually exercised the power of determining the validity of an act of Congress, and have declared it null and void, upon the ground that it violates the Constitution of the United States and the laws of God. They have gone further: they declared by a solemn official act, that a law passed by Congress 'ought not to be respected by any intelligent community' and have called upon the 'citizens, officers, and police of the city' to abstain from rendering any aid or assistance in its execution. What is this but naked, unmitigated nullification? An act of the American Congress nullified by the Common Council of the City of Chicago! Whence did the Council derive their authority? I have been able to find no such provision in the city charter, nor am I aware that the Legislature of Illinois is vested with any rightful power to confer such authority. I have yet to learn that a subordinate municipal corporation is licensed to raise the standard of rebellion, and throw off the authority of the Federal Government at pleasure. This is a great improvement upon South Carolina nullification. It dispenses with the trouble, delay and expense of convening Legislatures and assembling conventions of the people, for the purpose of resolving themselves back into their original elements, preparatory to the contemplated revolution. It has the high merit of marching directly to its object, and by a simple resolution, written and adopted on the same night, relieving the people from their oaths and allegiance, and putting the nation and its laws at defiance. It has heretofore been supposed, by men of antiquated notions who have not kept up with the progress of the age, that the Supreme Court of the United States was invested with the power of determining the validity of an act of Congress passed in pursuance of the forms of the Constitution. This was the doctrine of the entire North, and of the nation, when it became necessary to exert the whole power of the Gov-

ernment to put down nullification in another portion of the Union. But the spirit of the age is progressive, and is by no means confined to advancement in the arts and physical science. The science of politics and of government is also rapidly advancing to maturity and perfection. It is not long since that I heard an eminent lawyer propose an important reform in the admirable judicial system of the State, which he thought would render it perfect. It is so simple and eminently practicable, that it could not fail to excite the admiration of even the casual inquirer. His proposition was, that our judicial system should be so improved as to allow an appeal on all constitutional questions, from the Supreme Court of this State to two Justices of the Peace. When that shall have been effected, but one other reform will be necessary to render our national system perfect; and that is, to change the Federal Constitution, so as to authorize an appeal, upon all questions touching the validity of acts of Congress, from the Supreme Court of the United States to the Common Council of the City of Chicago."

Douglas then discussed in order the grounds of objection to the law as presented in the Council resolutions. Only an outline of this argument can be given.

"The objections to the law are two in number; that it suspends the writ of *habeas corpus* in time of peace, in violation of the Constitution; and that it abolishes the right of trial by jury. How did the Council find that these two provisions were contained in the law? The law itself does not mention either subject. Is it to be said that an act of Congress, which is silent on the subject, ought to be construed to repeal a great constitutional right by implication? Besides, this act is only amendatory to the act of 1793. Both are silent upon these subjects. If this construction is correct, then the writ of *habeas corpus* has been suspended and the trial by jury abolished for more than half a century without anybody discovering it."

Here Mr. Douglas was asked what construction was to be put upon the last clause of the sixth section of the bill, whereby the certificate of the commissioner "shall prevent all molestation of said person or persons by any process issued by any court, judge, magistrate, or other person whomsoever."

Mr. Douglas' construction was not far removed from that of his opponents, for by it the writ was to determine

whether the claimant had a certificate in due form, but did not touch the vital question of freedom.

"The new act neither takes away nor confers the right of trial by jury. That right," said Senator Douglas, "exists in this country for all men, black and white, bond or free, guilty or innocent. The only question is *when* shall this jury trial take place? The jury trial is always had in the State from which the fugitive fled. There is great uniformity in the mode of proceeding in the courts of the Southern States. There the question of freedom or servitude is tried by a jury, and every facility is offered to the negro to prove his case. The law of 1793 was passed by the patriots and sages who formed the Constitution. I have always been taught to believe that they were well versed in the science of government, devotedly attached to the cause of freedom, and capable of construing the Constitution in the spirit in which they made it."

The attention of Mr. Douglas was called to the penalties under the new law.

"The two laws are substantially the same," he replied. "I can conceive of no act which would be an offense under the one that would not be punishable under the other. The only difference between the old law and the new is in the amount of the penalty, not in the principle involved."

A gentleman present desired an explanation of the object and effect of the record from another State provided by the tenth section.

"I am glad," said Mr. Douglas, "that my attention has been called to that section. It was said last night that this provision authorizes the claimant to go before a court of record of the county and State where he lives, and there establish, by *ex-parte* testimony, in the absence of the fugitive, the facts of ownership, servitude,and escape; and when a record of these facts shall have been made, containing a minute description of the slave, it shall be conclusive evidence against a person corresponding to that description, arrested in another State, and shall consign the person so arrested to perpetual servitude. The law contemplates no such thing and authorizes no such results. The record is conclusive of two facts only:

"First, That the person named in this record does owe service to the persons in whose behalf the record is made.

"Second, That such person has escaped from service.

"The question of *identity* is to be proven here to the

satisfaction of the commissioner or judge before whom the trial is had *by other and further evidence.* This is the great point in the case. The whole question turns upon it. All proceedings for the arrest of fugitives are necessarily *ex-parte* from the nature of the case.

"It is no answer to say that slavery is no crime, and therefore the parallel between the fugitive slave and the fugitive from justice does not hold good.

"I am not speaking of the guilt or innocence of slavery. I am discussing our obligations under the Constitution of the United States. We are obliged by our oaths to see every provision of the Constitution carried into effect. We have no right to interpose our individual opinions and scruples as excuses for violating the supreme law of the land as the Fathers made it. Will any gentleman point out the provision in the old law for securing and vindicating the rights of the free man, that is not secured to him in the act of the last session?"

A gentleman present called attention to the provision for paying the expense of returning the fugitive out of the United States Treasury.

"Ah," said the Senator, "it is a question of dollars and cents. I was discussing the question of human rights. Is it possible that this momentous question, which only forty-eight hours ago was deemed of sufficient importance to authorize the City Council to nullify an act of Congress, and raise the standard of rebellion, has dwindled down to a petty dispute as to who shall pay the costs of the suit? This is too grave a question for me to discuss on this occasion. I confess my utter inability to do it justice. Yesterday, the Constitution of the ocean-bound republic had been overthrown; the writ of *habeas corpus* suspended; trial by jury abolished; pains and penalties imposed upon every humane citizen who should feed the hungry and clothe the naked; the law of God had been outraged by a Congress of traitors, and the standard of rebellion raised by our City Fathers, was floating in the breeze, calling on all good citizens to rally under its sacred folds and resist with fire and sword—the payment of the costs of suit upon the arrest of a fugitive from labor."

Senator Douglas then gave at length his opinion of the possible dangers involved in the appointment of commissioners by the courts of law.

Here a gentleman asked why a new law was passed

if the old one was so much like it, and why the slave holders voted for the new law rather than the old one, if the new law was more favorable to freedom. Mr. Douglas answered the first question by saying that the machinery of the old law had become inoperative on account of the decision of the Supreme Court in the case of Prigg vs. Pennsylvania. The judges of the United States courts were the only officers left to execute the law. A new law was necessary to enforce the provisions of the Constitution and protect the free blacks. Mr. Douglas could answer the second question with a great deal of pleasure. The Southern members voted for the new law because it was a better law. "They are as anxious to protect the rights of the free black men as we are. The real objection is not to the new law, nor to the old one, but to the Constitution itself. Those of you who hold these opinions do not mean that the fugitive shall be taken back. This is the real point of your objections. You would not care a farthing about the new law, the old law, or any other law, or what provisions it contained, if there was a hole in it big enough for the fugitive to slip through and escape. The whole catalogue of objections would be moonshine if the negro was not required to go back to his master. Frankly, is not this the true character of your objections?" Upon a general answer in the affirmative, Senator Douglas read the clause in the Constitution and continued:

"This is the supreme law of the land speaking to every citizen. The command is imperative. So long as we live under the Constitution and claim its protection, we cannot avoid it. We must stand by the Constitution with all its compromises, or we must abolish it and resolve each State back into its original elements. It is therefore a question of union or disunion. Are we prepared to execute faithfully and honestly the compact our fathers have made for us? For my part, I am prepared to preserve inviolate the Constitution as it is with all its compromises; to stand or fall by the American Union, clinging with the tenacity of life to all its glorious memories of the past and precious hopes for the future." Mr. Douglas then offered the following resolutions, which were adopted without a dissenting voice:

"*Resolved*, That it is the duty of every friend of the Union to maintain, and preserve inviolate, every provision of our Federal Constitution.

"*Resolved*, That any law enacted by Congress, in pursuance of the Constitution, should be respected as such by all good and law-abiding citizens, and should be faithfully carried into effect by the officers charged with its execution.

"*Resolved*, That so long as the Constitution of the United States provides that all persons held to service or labor in one State, escaping into another State, 'shall be delivered up on the claim of the party to whom the service of labor may be due,' and so long as members of Congress are required to take an oath to support the Constitution, it is their solemn and religious duty to pass all laws necessary to carry that provision of the Constitution into effect.

"*Resolved*, That if we desire to preserve the Union, and render our great republic inseparable and perpetual, we must perform all our obligations under the Constitution, at the same time that we call upon our brethren in other States to yield implicit obedience to it.

"*Resolved*, That as the lives, property and safety of ourselves and our families depend upon the observance and protection of the laws, every effort to excite any portion of our population to make resistance to the due execution of the laws of the land, should be promptly and emphatically condemned by every good citizen.

"*Resolved*, That we will stand or fall by the American Union and its Constitution, with all its compromises, with its glorious memories of the past, and precious hope of the future."

(The following was offered in addition by Buckner S. Morris, and also adopted:)

"*Resolved*, That we, the people of Chicago, repudiate the resolutions passed by the Common Council of Chicago upon the subject of the fugitive slave law passed by Congress at its last session."

The Journal of October 24, commenting on the speech, said:

"Senator Douglas said last night that the fugitive slave law did not abolish trial by jury—did not suspend *habeas corpus* —was no worse than the old law—in fact, was rather a protection to the slave than otherwise. We have no doubt he was sincere in his opinions, but if the people have been so deceived in the reading of the law, it is ample time they were enlightened. The law may be all right enough if the people could only comprehend it, but with all the light that has been thrown upon it, we still

confess to an obtuseness. If this law is what its champion claimed for it last night, it is due to the country that it should have been made as clear to the minds of the people as it was to his own. We are by no means convinced that it is any the less infamous in its provisions and its spirit."

Among the local items is the following: "The other day the Council deposed the Mayor and repealed the fugitive slave law. Senator Douglas demolished the Common Council last night."

But the Council still gave signs of life. An adjourned meeting was held Thursday, October 24, for further action on the resolutions of the 21st.

Alderman Dodge moved to reconsider the vote at the last meeting on the passage of the preamble and resolutions regarding the fugitive slave law. Alderman Hamilton offered the following order, and moved to lay it on the table for further action:[1]

"*Ordered*, That the Clerk be directed and requested to expunge from the records of the Council the preamble and resolutions adopted at the late meeting of the Council on the evening of the 21st, in reference to the act of Congress passed at its late session, commonly known as the fugitive slave law."[2] This order was tabled until November 29, and is the action of the Council which Senator Douglas construed as a repudiation of the resolutions of October 21. The largest meeting of the year was that held Friday evening, October 25, to express opinions concerning the fugitive slave law and to hear arguments in opposition to those expressed by Senator Douglas.

The first speaker, James H. Collins, confined himself to the two points of trial by jury and the writ of *habeas corpus*. He said in part: "The new law contains an expression more comprehensive and inclusive than the writ of *habeas corpus*—the expression process. By the law the claimant cannot be molested by any process. The provisions are very explicit and cannot be mistaken or misconstrued. The bill provides for a summary trial, and a summary trial always means a trial without jury. The commissioner is the sole judge in the case, and from his decision, however corrupt it may be, or however based on false affidavits, there is no appeal."

Mr. George Manniere followed, showing that the pro-

1 Democrat, Oct. 25.
2 Journal, Oct. 26.

ceedings under the new law were unconstitutional because they deprived persons of liberty without due process of law, in that they were *ex-parte.* He read the amendments proposed and defeated in the Senate allowing trial by jury and *habeas corpus* proceedings. It was the opinion of the speaker that Senator Douglas' speech had done more to deaden the moral sense of the community than any one thing that had occurred within the memory of Chicago citizens.

The principal speaker of the evening was Edmund Channing Larned. He spoke for over an hour in direct answer to the arguments of Senator Douglas, and to the great delight of the audience. A few extracts will show the character of his speech.

"One high in the councils of the nation says that it is the duty of every citizen who respects the Constitution to aid in carrying out and enforcing the fugitive law—a law which I do not hesitate to declare the most infamous ever passed by the representatives of a free people. I cannot give my aid and sanction to that law, and I stand here not as a partisan and a politician, but as an American citizen speaking to an assembly of his fellow citizens to give the reasons why I condemn that law and refuse to give any aid to its enforcement. I am no friend of violence. I am no disorganizer or advocate of mob law.

A law passed to carry out a constitutional provision is not therefore constitutional. I respect the compact our fathers made. I acknowledge the force of its compromises, and am willing to carry them out in the letter and spirit. Whenever a proper and constitutional law shall be passed by Congress, I shall be obliged, much as I deplore slavery in our midst, to give such a law my unequivocal sanction and support. I am not contending against the Constitution, but against this law. The section of the Constitution upon which this law is based was made necessary because by the common law of England a slave would have been free the moment he entered a free State. This section gave the owner a standing in court. He was permitted to establish on free soil and among free men the ownership of a human being, and empowered to take him away.

"The compact which our fathers made and to which we are held is this: That they would pass no law discharging the slave from his servitude, and that when the right of a claimant has been made out by competent evi-

dence and in a legal manner, the slave shall be delivered up to his master.

"The Senator says that the right of trial by jury is not taken away because the act does not say one word about it. The act takes it away because it provides another and different mode of trial—a summary trial is not a jury trial.

"The Senator says that the right of trial is given by the Constitution, and cannot be taken away by implication, therefore there is a trial by jury under this act.

"What is that trial by jury? A right to try the question of identity. A blessed boon to freedom. Is that the point to be tried? The question is not whether Tom Jones is Tom Jones, but whether Tom Jones is a slave. It is the question of slavery or freedom that we want tried. Senator Douglas compared this act with that referring to fugitives from justice."

"A fugitive from justice is arrested and delivered up to whom—a hungry creditor, a vindicative foe, or an interested slave holder? No. Into the hands of the law. Into the keeping of the officers of the law until he is presented to the grand jury, indicted, arraigned, and tried according to the law of the land. Are there any such proceedings under this law? No. The action of the commissioner is final: he adjudges the accused to be a slave, pronounces the sentence, inflicts the doom, turns him over to his master, and the matter is ended finally and forever. Is this the law? Is this justice? Is this the Constitution? God forbid that any man should so disgrace and blacken the names and memories of that glorious old band of heroes and patriots."

The writ of *habeas corpus* can be used only to determine whether the certificate granted by the commissioner is legal in form. Is this all that the writ of *habeas corpus* amounts to? Was it for such a miserable technicality as this that our fathers for long ages contended? Did they mean that the writ should only give power to look at the seal and signatures of a Star Chamber Court? It is a mockery to talk about this being a privilege of *habeas corpus.*"

"But Mr. Douglas said that this law is no more than the law of 1793. He tells you that this bill is better than the law of 1793. Why, gentlemen, when the honorable Senator was upon this part of the argument I began to doubt if I should not go home and thank God for the great

blessing vouchsafed us in this new fugitive slave law. Yet in the sixty years in which this law has been in force our colored brethren have been pursuing their vocations in tranquillity and contentment. Now they are fleeing to Canada as fast as wind and steam can carry them. From East to West there has come one indignant burst of feeling."

"Now, did you ever see such stupid people—such a nation of fools and blockheads? Do they not see, can they not understand that this is Senator Douglas' improved slave bill—that it is a great deal better than the old one—that it is not different from the old one—and has got new securities, designed specially for the benefit of fugitive slaves?"

"Why did the South want a new fugitive slave bill? Because the old law was defective. It did not provide sufficient securities for the poor fugitives.

"The law of 1793 was not objected to: First, because it allowed the judge to try the case judicially and not ministerially. Then it was inoperative. Had it not been so, it would have created excitement similar to that caused by the present bill.

"Why should we be asked to give the institution of slavery peculiar privileges? Let the proper law be passed, giving the alleged fugitive all the safeguards and immunities provided by the common law, and I, for one, will give it my conscientious and honest sanction and support."

A series of resolutions milder in tone than those adopted Tuesday evening were then prepared. Great excitement prevailed. Men were standing on chairs in various parts of the house, endeavoring to catch the eye of the chairman. The resolutions were put to vote and declared to be adopted amid great confusion. The meeting broke up without a regular motion to adjourn.

Another meeting was held Saturday evening to give expression to the other side of the question. The speeches were political and in praise of Senator Douglas. The meeting gradually dissolved without adjournment.

Thus ended the most exciting week in the early history of Chicago. The sentiment of the people was not materially changed by the speeches of Senator Douglas and his friends, though their advice upon the observance of law and order was followed. The feeling that "Resistance to tyrants is the obedience to God" was shown in one or

two cases early in November, when Southern men came to Chicago in search of fugitives. People thought less of resistance, except in particular cases, and more of unceasing agitation for the repeal of the law and the exclusion of slavery from the Territories. The closing scene of the drama was thus announced in the Journal, Friday, November, 29:

"The City Fathers meet tonight, as we learn, for the purpose of making a final disposition of the fugitive slave law. It is to be presumed that they will communicate the result to Congress, either by telegraph or express, as it would be calamitous for the wheels of government to stand still."

The Council minutes for November 29, 1850, read as follows:

"The Council met pursuant to adjournment. The object of the meeting was to consider the fugitive slave resolutions. The order offered by Alderman Hamilton, to expunge from the records, which had been tabled by his motion, October 24, together with the substitute offered by Alderman Dodge for the original preamble and resolutions were then taken up and the question in order being the adoption, Alderman Dodge's substitute was approved by the following vote:

"Ayes—Adams, Milliken, Loyd, Sherwood, Richards, Throop, Haines, Sherman, Foss, Dodge and Foster.

"Nays—Page, Williams and Hamilton.

These substituted resolutions read:

"*Whereas*, The fugitive slave law recently passed by Congress is revolting to our moral sense and an outrage upon our feelings of justice and humanity, because it disregards all the securities which the Constitution and laws have thrown around personal liberty, and its direct tendency is to alienate the people from their love and reverence for the government and institutions of our country. Therefore

"*Resolved*, That as the Supreme Court of the United Staes has solemnly adjudged that State officers are under no obligations to fulfil duties imposed upon them as such officers by an act of Congress, we do not, therefore, consider it our duty to counsel the city officers of the city of Chicago, to aid or assist in the arrest of fugitives from oppression, and by withholding such aid or assistance we do not believe that our harbor appropriations will be with-

held, our railroads injured, or our commerce destroyed, or that treason could be committed against the Government."

Alderman Hamilton introduced the following order:

"Ordered, That the clerk be directed and requested to expunge from the records of the proceedings of the said Council the resolutions in reference to the act of Congress at its last session, commonly known as the fugitive slave act."

This order was lost by a vote of nine to three.

Thus were the co-ordinate powers of the Common Council of Chicago established and its independence maintained.